

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

NIKI LEE ESMAN,

Plaintiff,

vs.

**ANDREW SAUL, Commissioner of
Social Security Administration,**

Defendant.

NO.: CV 20-150-SPW

ORDER AWARDING EAJA FEES

Plaintiff Niki Lee Esman ("Esman"), by and through her attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), for attorney fees incurred in prosecuting her Social Security appeal. She requested \$8,559.83 in fees.

Defendant Commissioner of Social Security ("Commissioner") has been contacted and has stipulated to a reduced fee amount of \$8,059.83.

Accordingly, **IT IS ORDERED** that Defendant shall pay \$8,059.83 in attorney fees under the Equal Access to Justice Act, 28 U.S.C. §2412.


IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's

EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office
P.O. Box 1581
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and a check for any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney's office at the address stated above.

DATED this 11th day of January, 2022.



Hon. Susan P. Watters
United States District Judge